

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE: **James Anthony North**
Grace Christian North
Debtor(s)

Case No.

Chapter 13 Proceeding

☐ AMENDED ☐ MODIFIED
DEBTOR(S)' CHAPTER 13 PLAN
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be \$275.00 Monthly, paid by ☒ Pay Order or ☐ Direct Pay for 60 months. The gross amount to be paid into the plan is \$16,500.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 3% of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is \$0.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- ☐ Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- ☒ Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- ☐ Other (describe):

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DEBTOR(S)' CHAPTER 13 PLAN
AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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**UNITED STATES BANKRUPTCY COURT
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AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Continuation Sheet # 2

"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on _____."

Debtor

Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks
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VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, MUST be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Santander Consumer USA 2013 Kia Soul	Joint Debtor's Mother Direct P	\$14,969.00	\$471.00

B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered
Westlake Financial	2004 Volkswagen Jetta

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

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Chapter 13 Proceeding

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AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Continuation Sheet # 4

Creditor	Estimated Debt	Remarks
Aargon Agency	\$44.00	
Aargon Agency	\$28.00	
Aargon Agency	\$28.00	
Allied Credit/Alliance One	\$50.00	
Capital One	\$0.00	
Capital One	\$1,318.00	
Capital One	\$1,121.00	
Capital One	\$488.00	
Cba Collection Bureau	\$312.00	
Convergent Outsourcing, Inc	\$661.00	
Credit Collection Service	\$56.00	
Credit Management, LP	\$47.00	
Dept Of Ed/Navient	\$16,730.00	
Discover Bank/glelsi	(\$1.00)	
Diversified Consultant	\$1,090.00	
Dscvr/glelsi	\$0.00	
El Paso Area Tchrs Fcu	\$0.00	
ERC/Enhanced Recovery Corp	\$1,131.00	
Financial Control Services	\$224.00	
Fingerhut	\$0.00	
First Premier Bank	\$448.00	
Ford Motor Credit	\$0.00	
Guarantee Loan Service	\$0.00	
Hunter Warfield	\$5,682.00	
IC Systems, Inc	\$2,738.00	
IC Systems, Inc	\$157.00	
Iq Data International	\$5,150.00	
Jefferson Capital Systems, LLC	\$340.00	
Jefferson Capital Systems, LLC	\$188.00	
Med Business Bureau	\$248.00	
Medcah Inc	\$369.00	
Medcah Inc	\$31.00	
Medical Arts Fcu	\$0.00	
Midland Funding	\$701.00	
Midland Funding	\$504.00	
Midland Funding	\$365.00	
Military Star/AAFES	\$1,478.00	
Military Star/AAFES	\$1,122.00	
Militaryloans.com	\$1,356.00	
Navient	\$4,010.00	

**UNITED STATES BANKRUPTCY COURT
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Grace Christian North
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Chapter 13 Proceeding

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Continuation Sheet # 5

Pioneer Mcb	\$2,011.00
Portfolio Recovery	\$792.00
Portfolio Recovery	\$586.00
Progressive Leasing	\$2,500.00
Sallie Mae	(\$1.00)
Sec Check	\$1,895.00
Seventh Avenue	\$34.00
Synchrony Bank/ JC Penneys	\$0.00
Synchrony Bank/ Old Navy	\$0.00
Synchrony Bank/Walmart	\$0.00
University Of Phoenix	\$144.00
Us Bank	\$7,068.00
Us Dept of Ed/Great Lakes Educational Lo	\$14,443.00
Verizon	\$3,248.00

Totals:

Administrative Claims	<u>\$3,600.00</u>
Priority Claims	<u>\$0.00</u>
Arrearage Claims	<u>\$0.00</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$8,059.00</u>
Unsecured Claims	<u>\$80,934.00</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

Agreed Orders

Agreed Orders shall control in any conflict between Plan provisions and the provisions in the Agreed Orders.

Disposable Earnings

Pursuant to 11 U.S.C. § 1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan. The Debtor(s) agree to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing payout to unsecured creditors

**UNITED STATES BANKRUPTCY COURT
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AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Continuation Sheet # 6

Authorization to send monthly bills

Confirmation of the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, who receive monies as direct payments from Debtor(s) as a result of Debtor(s) election to pay such monies outside of the plan to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.

Certain Pre-Confirmation Disbursements

If a creditor is listed as secured and scheduled to receive pre-confirmation disbursements and post-confirmation payments along with the other secured creditors, but such creditor subsequently files an unsecured claim, then the creditor will not receive any pre-confirmation disbursements and upon confirmation will be paid along with the other unsecured creditors. The funds that were allocated to such creditor as a pre-confirmation disbursement will be distributed on a pro-rata basis to the other secured creditors. Similarly, the funds scheduled to be received by such creditor along with other secured creditors on a pro-rata basis.

Misfiled and Unfiled Creditors Paid Accordingly

If any secured proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as secured unless, it is objected to. Said claims shall be paid under the plan at 5.5% interest. Likewise, if any priority proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as priority unless it is objected to. Said priority claim shall not be paid with any interest.

Respectfully submitted this date: 6/17/2016.

/s/ Karla P. Griffin

Karla P. Griffin
1123 E. Rio Grande
El Paso, Texas 79902
Phone: (915) 562-4357 / Fax: (866) 201-0967
(Attorney for Debtor)

/s/ James Anthony North

James Anthony North
11744 Roger Chaffe Ln
El Paso, TX 79936
(Debtor)

/s/ Grace Christian North

Grace Christian North
11744 Roger Chaffe Ln
El Paso, TX 79936
(Joint Debtor)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: **James Anthony North**
Debtor

CASE NO.

Grace Christian North
Joint Debtor

CHAPTER **13**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on June 17, 2016, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

/s/ Karla P. Griffin

Karla P. Griffin
Bar ID:24074659
Watson Law Firm, P.C.
1123 E. Rio Grande
El Paso, Texas 79902
(915) 562-4357

Aargon Agency
4188009410
8668 Spring Mountain Rd
Las Vegas, NV 89117

Capital One
5178059675110739
PO Box 30285
Salt Lake City, UT 84130

Cba Collection Bureau
13944940
PO Box 5013
Hayward, CA 94540

Aargon Agency
4098026551
8668 Spring Mountain Rd
Las Vegas, NV 89117

Capital One
5178058066852701
PO Box 30285
Salt Lake City, UT 84130

Convergent Outsourcing, Inc
26402122
PO Box 9004
Renton, WA 98057

Aargon Agency
4187004884
8668 Spring Mountain Rd
Las Vegas, NV 89117

Capital One
5178059902795039
PO Box 30285
Salt Lake City, UT 84130

Credit Collection Service
35832368
PO Box 773
Needham, MA 02494

Allied Credit/Alliance One
30192397
Attn: Bankruptcy
PO Box 2449
Gig Harbor, WA 98335

Capital One
4003449001284957
PO Box 30285
Salt Lake City, UT 84130

Credit Management, LP
54147779
Attn: Bankruptcy
PO Box 118288
Carrollton, TX 75011

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: James Anthony North*Debtor*

CASE NO.

Grace Christian North*Joint Debtor*

CHAPTER 13

CERTIFICATE OF SERVICE

(Continuation Sheet #1)

Dept Of Ed/Navient
99919674031E00220090918
Attn: Claims Dept
PO Box 9400
Wilkes Barr, PA 18773

Fingerhut
6369921053227012
6250 Ridgewood Rd
St Cloud, MN 56303

IC Systems, Inc
48644965001
444 Highway 96 East
PO Box 64378
St Paul, MN 55164

Discover Bank/glelsi
087834517
2401 International
Madison, WI 53704

First Premier Bank
5178006445829122
601 S Minneaplois Ave
Dious FDalls, SD 57104

Iq Data International
IQD0HLD0455346468
P.o. Box 3568
Everett, WA 98213

Diversified Consultant
41507195
DCI
PO Box 551268
Jacksonville, FL 32255

Ford Motor Credit
6035540009307563
PO Box 62180
Colorado Springs, CO 80962

James Anthony North
11744 Roger Chaffe Ln
El Paso, TX 79936

Dscvr/glelsi
462837087834517
2401 International
Madison, WI 53704

Go Financial
199003094901
7465 E Hampton Ave
Mesa, AZ 85209

Jefferson Capital Systems, LLC
3244410705003
16 McLeland Rd
Saint Cloud, MN 56303

El Paso Area Tchrs Fcu
8957360700
12020 Rojas Dr
El Paso, TX 79936

Guarantee Loan Service
12102

Jefferson Capital Systems, LLC
3081940346003
16 McLeland Rd
Saint Cloud, MN 56303

ERC/Enhanced Recovery Corp
131916238
8014 Bayberry Rd
Jacksonville, FL 32256

Hunter Warfield
6074194
Attention: Bankruptcy
4620 Woodland Corporate Blvd
Tampa, FL 33614

Med Business Bureau
224378540026742263
1460 Renaissance Dr
Suite 400
Park Ridge, IL 60068

Financial Control Services
7141160006590073
200 N New Rd
Waco, TX 76710

IC Systems, Inc
44423235001
444 Highway 96 East
PO Box 64378
St Paul, MN 55164

Medcah Inc
2352342
320 Uluniu St Ste 5
Kailua, HI 96734

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: James Anthony North
Debtor

CASE NO.

Grace Christian North
Joint Debtor

CHAPTER 13

CERTIFICATE OF SERVICE

(Continuation Sheet #2)

Medcah Inc
2471659
320 Uluniu St Ste 5
Kailua, HI 96734

Militaryloans.com
4628370875092613
PO Box 44215
Las Vegas, NV 89116

Santander Consumer USA
30000199092891000
PO Box 961245
Fort Worth, TX 76161

Medical Arts Fcu
45210686000895736

Navient
99919674031000120090330
Attn: Claims Dept
PO Box 9500
Wilkes-Barr, PA 18773

Sec Check
2515159
2653 West Oxford Loop
Suite 108
Oxford, MS 38655

Midland Funding
8553483699
2365 Northside Dr
Suite 300
San Diego, CA 92108

Pioneer Mcb
3605201
3240 E Tropicana
Las Vegas, NV 89121

Seventh Avenue
5335062274570
Seventh Avenue, Inc
1112 7th Ave
Monroe, WI 53566

Midland Funding
8550758945
2365 Northside Dr
Suite 300
San Diego, CA 92108

Portfolio Recovery
5178059229596813
Attn: Bankruptcy
PO Box 41067
Norfolk, VA 23541

STUART C. COX
Standing Chapter 13 Trustee,
1760 North Lee Trevino Dr.
El Paso, TX 79936

Midland Funding
8558394477
2365 Northside Dr
Suite 300
San Diego, CA 92108

Portfolio Recovery
6018596374610008
Attn: Bankruptcy
PO Box 41067
Norfolk, VA 23541

Stuart C. Cox, Trustee
1760 North Lee Trevino
El Paso, TX 79936

Military Star/AAFES
6019451604816067
PO Box 650060
Dallas, TX 75265

Progressive Leasing
P.O. Box 413110
Salt Lake City, UT 84141

Synchrony Bank/ JC Penneys
6008893988375261
PO Box 965064
Orlando, FL 32896

Military Star/AAFES
6019431700003224
PO Box 650060
Dallas, TX 75265

Sallie Mae
99919674031000220090918
Attn: Navient
PO Box 9500
Wilkes-Barr, PA 18873

Synchrony Bank/ Old Navy
6018596374610008
PO Box 965064
Orlando, FL 32896

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: **James Anthony North**
Debtor

CASE NO.

Grace Christian North
Joint Debtor

CHAPTER **13**

CERTIFICATE OF SERVICE

(Continuation Sheet #3)

Synchrony Bank/Walmart
6032203545464058
PO Box 965064
Orlando, FL 32896

University Of Phoenix
9048760494
1625 W Fountainhead Pkwy
Tempe, AZ 85285

Us Bank
7780140
Attention: Bankruptcy Dept.
PO Box 5229
Cincinnati, OH 45201

Us Dept of Ed/Great Lakes Educational
Lo
2228914970798581
2401 International
Madison, WI 53704

Verizon
47263748700001
500 Technology Dr
Suite 500
Weldon Spring, MO 63304

Westlake Financial
P.O. Box 54807
Los Angeles, CA 90054